



6-1

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**SUBDIVISION REVIEW BOARD**

Promoting the wise use of land  
Helping build great communities

<b>MEETING DATE</b> January 9, 2006	<b>CONTACT/PHONE</b> Stephanie Fuhs (805) 781-5721	<b>APPLICANT</b> John and Gail Davis	<b>FILE NO.</b> C 05-0099 SUB 2004-00301
<b>SUBJECT</b> A request by John and Gail Davis for one Conditional Certificate of Compliance (C 05-0099) for Assessor Parcel Number 048-151-024, an approximate 36.20 acre parcel. The proposed project is within the Rural Lands land use category and is located on the north side of Temettate Drive, (at 8850 Temettate Drive), approximately 1 1/2 miles west of Suey Creek Road and 4 miles northeast of Highway 101, approximately 4 miles northeast of the community of Nipomo, in the South County (Inland) planning area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve one Conditional Certificate of Compliance C05-0099 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 17, 2005 for this project. Mitigation measures are proposed to address biological resources, geology and soils, wastewater, water, are included as conditions of approval.			
<b>LAND USE CATEGORY</b> Rural Lands	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> 048,151,024	<b>SUPERVISOR DISTRICT(S)</b> 4
<b>PLANNING AREA STANDARDS:</b> None			
<b>LAND USE ORDINANCE STANDARDS:</b> None			
<b>EXISTING USES:</b> Undeveloped			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Rural Lands/Scattered residences <i>West:</i> Agriculture/Grazing <i>South:</i> Rural Lands/Scattered residences <i>East:</i> Rural Lands/Scattered residences			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: Public Works, Environmental Health, and CDF			
<b>TOPOGRAPHY:</b> Moderate to steeply sloping		<b>VEGETATION:</b> Coast live oak woodland, chaparral	
<b>PROPOSED SERVICES:</b> Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF		<b>ACCEPTANCE DATE:</b> September 6, 2005	
<b>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:</b> COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

6-2

ORDINANCE COMPLIANCE:

*Minimum Parcel Size*

Section 22.22.050 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Rural Lands land use category. The standards are based on the distance from an urban areas, fire response time, type of access serving the property and the topography of the site. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels **do not meet** all requirements for 20 acre parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Remoteness	More than fifteen miles from the Nipomo urban reserve line	80 acres
Fire Hazard/ Response Time	Outside the 15 minute response time In the very high fire hazard area	160 acres
Access	Located on a private easement	80 acres
Slope	Average slope is between 16 and 30%	20 acres

If the applicant were requesting a subdivision, the proposed parcel of 36.20 acres would not meet the requirements of Section 22.22.050 of the Land Use Ordinance, which establishes standards for determining minimum parcel sizes in the Rural Lands land use category. However, the applicants are requesting one conditional certificate of compliance for a 36.20 acre parcel (048,151,024) that was originally Government Lot 5 in Section 1 of Township 11 North, Range 34 West. Based on the approximate 36.20 acre parcel size, a pre-1966 deed would have been required to establish the legality. As noted in the deed history below a pre-1966 for the lot does not exist. Therefore, one (1) conditional certificate of compliance is required.

The subject parcel was first deeded away on December 3, 1971. This was a violation of the County's Lot Division Ordinance and State Subdivision Map Act because lots of less than forty acres could not be created after February 17, 1966 (Lot Division Ordinance) without first having a subdivision approved by the County Subdivision Review Board. A map was required to be approved to create parcels at that time, therefore the lot was not legally created.

Pursuant to the Subdivision Map Act, the parcel should comply with the subdivision standards in effect on December 3, 1971 as that is the date that the property owner acquired his interest in the property.

STAFF COMMENTS

This property is located within an area of substandard parcels ranging in size from 10 to 40 acres. While not an ideal situation for parcel size based on remoteness and access, the parcel is similar in size with adjacent properties.

ENVIRONMENTAL DETERMINATION: The applicant has signed a Developer's Statement on October 12, 2005 that will mitigate environmental concerns of future development of the steep, partially wooded parcel, that is substantially smaller than would be allowed by today's subdivision standards.

**AGENCY REVIEW:**

Public Works – Offer of dedication and private easement required

Environmental Health – Stock conditions for individual wells and septic tanks

CDF – See attached fire safety plan

**LEGAL LOT STATUS:** This lot is not a legally created lot. See deed history below. Approval of this Conditional Certificate of Compliance will legalize the parcel.

**Deed History**

- October 1, 1921 – issued date – Federal land patent to Fred Danford. Includes Lot 5, Lot 6 and the Northwest Quarter of the Southeast Quarter of Section 1 of Township 11 North, Range 34 West. Legality confirmation requires a separate deed which describes only Lot 5.
- December 3, 1971 – 1659 OR 922 recorded March 22, 1972 – Deed from Rice to Davis which describes Lot 5. Lot 5 is the subject lot. This is the deed transfer that created a violation of the County's Lot Division Ordinance and the need for a conditional certificate of compliance for the subject parcel.
- April 6, 1983 – 2504 OR 296 recorded July 20, 1983 – Deed from Manko to Washburn which describes Lot 6. First time Lot 6 was noted on a separate deed.

6-4

## FINDINGS - EXHIBIT A

### *Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 17, 2005 for this project. Mitigation measures are proposed to address biological resources, geology and soils, and wastewater and are included as conditions of approval.

### *Conditional Certificate of Compliance*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan, the South County area plan and all other general plan policies because future development will be subject to all applicable standards and land use permit requirements and is consistent with the development of the area.
- C. Pursuant to the Subdivision Map Act, the parcel is required to comply with the subdivision standards in effect as of December 3, 1971 which is the year the applicants gained interest in said parcel.
- D. As conditioned, the proposed project and associated use satisfies all applicable provisions of the Subdivision Map Act and County Real Property Division Ordinance.

**CONDITIONS - EXHIBIT B  
CONDITIONAL CERTIFICATE OF COMPLIANCE  
SUB 2004-00301 (DAVIS)**

**Approved Project**

1. One Conditional Certificate of Compliance for Assessors Parcel Number 048,151,024, an approximate 36.20 acre parcel.

**Biological Resources**

2. No oak tree or manzanita removal will occur with future development of the proposed parcel. **Prior to issuance of construction permits**, the applicant shall show on construction plans, all oak trees and manzanita within 50 feet of the proposed development and grading.
3. **Prior to any site disturbance**, all oak trees and manzanita within 50 feet of grading activities shall be fenced for protection with orange construction fencing.

**Geology and Soils**

4. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the Public Works Department.

**Miscellaneous**

5. These lots are subject to the standard conditions of approval for all lots using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS  
USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. Each parcel shall have its own private well(s) for a domestic water supply approved by the county Health Department, except as set forth in 2C.
2. Operable water facilities shall exist prior to issuance of construction permits. Evidence of adequate and potable water, shall be submitted to the county Health Department, including the following:
  - A. (Potability) A complete on-site chemical analysis shall be submitted for evaluation for each of the parcels created or as required.
  - B. (Adequacy) On individual parcel wells or test holes, a minimum four (4) hour pump test performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval for each of the new parcels created.
  - C. If the applicant desires purveying water to two (2) or more parcels or an average of 25 or more residents or non-residents (employees, campers, etc.) on a daily basis at least sixty (60) days out of the year, application shall be made to the county Health Department for a domestic water supply permit prior to issuance of construction permit. A bond may be used for operable water facilities (except well(s)). Necessary legal agreements, restrictions and registered civil engineer designed plans, in conformance with state and county laws and standards shall be submitted by the applicant and reviewed and approved by County Public Works and the county Health Department, prior to issuance of construction permit.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.
6. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning Department for review and approval prior to the issuance of a building permit.

Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.

7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
9. Any existing reservoir or drainage swale on the property shall be delineated on the map.
10. Prior to issuance of construction permit, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
11. Required public utility easements shall be shown on the map.
12. Approved street names shall be shown on the map.
13. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
14. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to issuance of construction permit.
15. Any private easements on the property shall be shown on the map with recording data.
16. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to issuance of construction permit.
17. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
18. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots.



6-8

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

MAY 18 2005

VICTOR HOLANDA, AICP  
DIRECTOR

**THIS IS A NEW PROJECT REFERRAL**

DATE:

5/17/05

FROM

Public Works.



Stephanie Fuhs

(Please direct response to the above)

SUB 2004-00301

DAVIS CONDITIONAL CERT.

Project Name and Number

781-5721  
788-2009

\*OR ASK THE SWITCH-  
(BOARD FOR THE PLANNERS)

Development Review Section (Phone: \_\_\_\_\_)

PROJECT DESCRIPTION:

One conditional certificate of compliance  
(see attached info.) - please comment on any  
proposed conditions of approval (circa 1971).

Return this letter with your comments attached no later than:

6/1/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

✓ YES  
\_\_\_\_ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

✓ NO (Please go on to Part III)  
\_\_\_\_ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

RECOMMEND APPROVAL - TEMPORARY DRIVE OFFERED FOR DEDICATION 50 FEET WIDE  
FRONTING THE PARCEL AND A PRIVATE ACCESS EASEMENT BE PROVIDED FROM THE  
PROPERTY TO LOS BEYROS CANYON RD.

14 JUNE 2005  
Date

GOODWIN  
Name

5252  
Phone



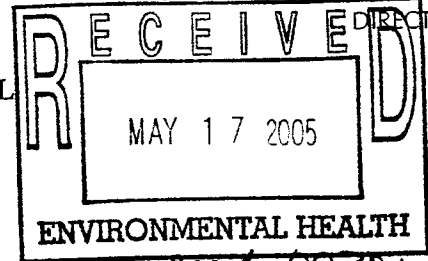


6-9

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

MAY 2 2005

VICTOR HOLANDA, AICP  
DIRECTOR



THIS IS A NEW PROJECT REFERRAL

DATE:

5/17/05

TO:

Env. Health.

FROM:

Stephanie Fuhs

(Please direct response to the above)

ENVIRONMENTAL HEALTH

SUB 2004-00301

DAVIS CONDITIONAL CERT.

Project Name and Number

781-5721  
788-2009

\*OR ASK THE SWITCH-  
(BOARD FOR THE PLANNED)

Development Review Section (Phone: \_\_\_\_\_)

PROJECT DESCRIPTION:

One conditional certificate of compliance  
(see attached info.) - please comment on any  
proposed conditions of approval (circa 1971).

Return this letter with your comments attached no later than:

6/1/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

\_\_\_\_\_  
\_\_\_\_\_  
YES  
NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

\_\_\_\_\_  
\_\_\_\_\_  
NO (Please go on to Part III)  
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Please include standard stock conditions for individual  
wells and on-site septic systems. Thank you.

5/19/05  
Date

Sam Salo  
Name

781-5551  
Phone



CDF/San Luis Obispo County  
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

June 20, 2005

County of San Luis Obispo  
Department of Planning/Building  
County Government Center  
San Luis Obispo, CA 93408

Dear: Stephannie Fuhs,

## CONDITIONAL CERTIFICATE OF COMPLIANCE PLAN

**Name: Davis**

**Project Number: SUB2004-00301**

The Department has reviewed the conditional certificate of compliance project located on 8950 Temettete Rd., Nipomo. The property is located within a very high fire hazard severity area, and will require a minimum 25 minute response time from the nearest County Fire Station.

**The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:**

### ROADS STANDARDS

- Access roads provide vehicular access to more than one lot of record or to one lot of record with more than four dwelling units.
- Access road widths shall be a minimum of 18 feet.
- Access roads shall have an unobstructed vertical clearance of not less than 13' 6".
- 1. Access roads shall be named and signed.
- Road naming and signing shall occur prior to building final.
- Road name and sign information is available by phoning 781-5199.

### DRIVEWAY STANDARDS

- The driveway width shall be 16 feet,
- A driveway exceeding 300 feet shall provide turnaround within 50 feet of the residence.
  - 1. Turnarounds shall be a minimum 40-foot radius or a hammerhead/T 60 feet long.

### ACCESS ROAD AND DRIVEWAY SURFACES

- Access roads and driveways surfaces shall be:
  - 1. All weather surfaced to a maximum grade of less than 12%.
  - 2. Asphalt or concrete with a non-skid finish for any grade exceeding 12% to a maximum grade of 16%.
  - 3. Meet a load capacity of 20 tons

### ADDRESSING

- Legible address numbers shall be placed on all residences.
- Legible address numbers shall be located at the driveway entrance.

### VEGETATION CLEARANCE

To provide safety and defensible space the following shall be required:

- To each side of roads and driveways a 10-foot fuel-break shall be provided.
- Maintain around all structures a 100-foot firebreak.
  - 1. This does not apply to landscaped areas and plants.
- Remove any part of a tree that is within 10 feet of a chimney outlet.

6-10

5-11

- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other dead vegetative growth.

## FINAL INSPECTION

- The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently Southern San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at [www.cdfslo.org](http://www.cdfslo.org) ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,



Gilbert R. Portillo

Fire Inspector

C: Mr. John Davis

RECORDING REQUESTED BY  
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

Director of Planning and Building  
County Government Center  
San Luis Obispo, California 93408  
ATTN: Larry W. Kelly

APN(S): 048-151-024  
PROJECT NO: C2005-0099  
PARCEL NO: 1  
FILE NO: SUB2004-00301

**DRAFT**



**CONDITIONAL CERTIFICATE OF COMPLIANCE**

California Government Code Section 66499.35(b)

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

**RECORD OWNER(S):**

John C. Davis and Gail A. Davis, Husband and Wife  
as Joint Tenants.

STATE OF CALIFORNIA                    )  
  ) SS  
COUNTY OF SAN LUIS OBISPO        )

(SEAL)

**VICTOR HOLANDA**

Director, Department of Planning and Building

By: \_\_\_\_\_  
Larry W. Kelly, Senior Planner

On this \_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_,  
before me, Mary L. Velarde, Notary Public, personally appeared  
\_\_\_\_\_, personally known to  
me (or proved to me on the basis of satisfactory evidence) to be the  
person(s) whose name(s) is/are subscribed to the within instrument  
and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their  
signature(s) on the instrument the person(s) or the entity upon  
behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

\_\_\_\_\_  
Mary L. Velarde, Notary Public

6-13

APN(S): 048-151-024  
PROJECT NO: C2005-0099

FILE NO: SUB2004-00301  
PARCEL NO: 1

**EXHIBIT A**

Conditions

**DRAFT**

**Conditions to be set by the San Luis Obispo County Subdivision Review Board**

APN(S): 048-151-024  
PROJECT NO: C2005-0099

FILE NO: SUB2004-00301  
PARCEL NO: 1

**EXHIBIT B**  
Legal Description

**DRAFT**

Government Lot 5 in Section 1 of Township 11 North, Range 34 West, San Bernardino Base and Meridian, in the County of San Luis Obispo, State of California according to the official plat thereof.



# COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (SF)

## MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED005-048

DATE:

PROJECT/ENTITLEMENT: Davis Certificate of Compliance SUB2004-00301

APPLICANT NAME: John and Gail Davis

ADDRESS: 8850 Temettate Drive, Santa Maria, CA 93454

CONTACT PERSON: Gail Davis

Telephone: (805)878-0080

**PROPOSED USES/INTENT:** Proposal by John and Gail Davis for one conditional certificate of compliance for Assessors Parcel Number 048,151,024, an approximate 36.20 acre parcel.

**LOCATION:** The project is located on the north side of Temettate Drive (at 8850 Temettate Drive), approximately 1 1/2 miles west of Suey Creek Road and 4 miles northeast of Highway 101, approximately 4 miles northeast of the community of Nipomo, in the South County (Inland) planning area.

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
County Government Center, Rm. 310  
San Luis Obispo, CA 93408-2040

**OTHER POTENTIAL PERMITTING AGENCIES:** None

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....5 p.m. on**

**20-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

### Notice of Determination

State Clearinghouse No. \_\_\_\_\_

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ Lead Agency  
☐ Responsible Agency approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,  
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

6-16

**California Department of Fish and Game**  
**CERTIFICATE OF FEE EXEMPTION**  
De Minimis Impact Finding

**PROJECT TITLE & NUMBER:** Davis Conditional Certificate of Compliance; SUB2004-00301 (ED05-048)

**Project Applicant**

Name: John and Gail Davis  
Address: 8850 Temattate Drive  
City, State, Zip Code: Santa Maria, CA 93454  
Telephone #: (805) 878-0080

**PROJECT DESCRIPTION/LOCATION:** See attached Notice of Determination


**FINDINGS OF EXEMPTION:**

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- ( ) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- ( ) The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- (X) The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- ( ) The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. \_\_\_\_\_ .
- ( ) Other: \_\_\_\_\_

**CERTIFICATION:**

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

  
**Ellen Carroll**, Environmental Coordinator  
County of San Luis Obispo

Date: 11/2/05





6-117

**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No.** Davis Certificate of Compliance; SUB2004-00301; ED 05-046

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input checked="" type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

STEPHANIE FURS  
Prepared by (Print)

Stephanie Furs  
Signature

10/2/05  
Date

John McKenzie  
Reviewed by (Print)

John McKenzie  
Signature

Ellen Carroll,  
Environmental Coordinator  
(for)

11/3/05  
Date

6-18

### **Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

### **A. PROJECT**

DESCRIPTION: Proposal by John and Gail Davis for one conditional certificate of compliance for Assessors Parcel Number 048,151,024, an approximate 36.20 acre parcel. The proposed project is within the Rural Lands land use category and is located on the north side of Temettate Drive, (at 8850 Temettate Drive), approximately 1 1/2 miles west of Suey Creek Road and 4 miles northeast of Highway 101, approximately 4 miles northeast of the community of Nipomo, in the South County (Inland) planning area.

ASSESSOR PARCEL NUMBER(S): 048-151-024

SUPERVISORIAL DISTRICT # 4

### **B. EXISTING SETTING**

PLANNING AREA: South County (Inland), Rural

LAND USE CATEGORY: Rural Lands

COMBINING DESIGNATION(S): None

EXISTING USES: Undeveloped

TOPOGRAPHY: Gently sloping to moderately sloping

VEGETATION: Grasses , oak woodland

PARCEL SIZE: 36 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Rural Lands; undeveloped	<i>East:</i> Rural Lands; undeveloped
<i>South:</i> Agriculture; undeveloped	<i>West:</i> Agriculture; undeveloped

### **C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with

6-19

the proposed uses can be minimized to less than significant levels.

## COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. <b>AESTHETICS - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Create an aesthetically incompatible site open to public view?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b>Introduce a use within a scenic view open to public view?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b>Change the visual character of an area?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b>Create glare or night lighting, which may affect surrounding areas?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <b>Impact unique geological or physical features?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <b>Other: _____</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project will not be visible from any major public roadway or silhouette against any ridgelines as viewed from public roadways. The project is considered compatible with the surrounding uses.

**Impact.** No significant visual impacts are expected to occur.

**Mitigation/Conclusion.** No mitigation measures are necessary.

2. <b>AGRICULTURAL RESOURCES - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Convert prime agricultural land to non-agricultural use?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b>Impair agricultural use of other property or result in conversion to other uses?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b>Conflict with existing zoning or Williamson Act program?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <b>Other: _____</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6-20

**Setting.** The soil types include: Lopez very shaly clay loam, (30 - 75% slope), Santa Lucia shaly clay loam, (50 - 75% slope). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "VII", and the "irrigated" soil class is "NA".

**Impact.** The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

**Mitigation/Conclusion.** No mitigation measures are necessary.

<b>3. AIR QUALITY - Will the project:</b>		<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a)	<b>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<b>Expose any sensitive receptor to substantial air pollutant concentrations?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<b>Create or subject individuals to objectionable odors?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<b>Be inconsistent with the District's Clean Air Plan?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<b>Other:</b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

**Impact.** As proposed, the project will result in the disturbance as the project site is developed. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

**Mitigation/Conclusion.** No mitigation measures are necessary.

<b>4. BIOLOGICAL RESOURCES - Will the project:</b>		<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
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**4. BIOLOGICAL RESOURCES -**  
**Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The following habitats were observed on the proposed project: Grasses Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: None

Wildlife: None

Habitats: Coastal Oak Woodland (Scattered <10% density)

**Impact.** A biological report was conducted for two specific locations on the project site (Mike McGovern, July, 2005). The project site does not support any sensitive native vegetation, significant wildlife habitats, or special status species. Based on a site visit, a large portion of the site has been cleared of any significant vegetation, so no significant impacts to biological resources is expected to occur. Future development will not remove any oak trees or manzanita (as mitigated and conditioned).

**Mitigation/Conclusion.** Because the site was cleared previously, future development will have little impact on native vegetation. Mitigation measures for no further manzanita and oak tree removal with future development have been added to the project.

**5. CULTURAL RESOURCES -**  
**Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area.

**Impact.** A Phase I (surface) survey was conducted by C.A. Singer and Associates (August, 2005). No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

**Mitigation/Conclusion.** No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

<b>6. GEOLOGY AND SOILS -</b> <b><i>Will the project:</i></b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <b><i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b><i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <b><i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b><i>Change rates of soil absorption, or amount or direction of surface runoff?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <b><i>Include structures located on expansive soils?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <b><i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i></b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <b><i>Involve activities within the 100-year flood zone?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <b><i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <b><i>Preclude the future extraction of valuable mineral resources?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <b><i>Other:</i></b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting. GEOLOGY** - The topography of the project is gently sloping to moderately sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is not known. The liquefaction potential during a ground-shaking event is not known.

Active faulting is known to exist near the subject property, app. 0.5 miles east of property. The project is not within a known area containing serpentine or ultramafic rock or soils.

**DRAINAGE** – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (an unnamed stream) from the proposed development is located on the western boundary of the property. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered not well to very poorly drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** – The soil types include: Lopez very shaly clay loam, (30 - 75% slope), Santa Lucia shaly clay loam, (50 - 75% slope). As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility and low shrink-swell characteristics.

**Impact.** As proposed, the project will result in disturbance as the parcel is developed.

**Mitigation/Conclusion.** Because the soil is considered not well to very poorly drained, a drainage plan will be required prior to issuance of construction permit in order to minimize adverse impact on the subject property and adjacent properties.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is not located in an area of known hazardous material contamination. The project is within a very high severity risk area for fire. The project is not within the Airport Review area.

**Impact.** The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

**Mitigation/Conclusion.** No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

**Impact.** The project is not expected to generate loud noises, nor conflict with the surrounding uses.

**Mitigation/Conclusion.** No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



**9. POPULATION/HOUSING -***Will the project:***Potentially  
Significant****Impact can  
& will be  
mitigated****Insignificant  
Impact****Not  
Applicable**c) **Create the need for substantial new housing in the area?**☐☐☒☐d) **Use substantial amount of fuel or energy?**☐☐☒☐e) **Other:** \_\_\_\_\_☐☐☐☐

**Setting** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

**Impact.** The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion.** No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

**10. PUBLIC SERVICES/UTILITIES -***Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:***Potentially  
Significant****Impact can  
& will be  
mitigated****Insignificant  
Impact****Not  
Applicable**a) **Fire protection?**☐☒☐☐b) **Police protection (e.g., Sheriff, CHP)?**☐☒☐☐c) **Schools?**☐☒☐☐d) **Roads?**☐☐☒☐e) **Solid Wastes?**☐☐☒☐f) **Other public facilities?**☐☐☒☐g) **Other:** \_\_\_\_\_☐☐☐☐

**Setting.** The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Nipomo Station 20) is approximately 15 miles to the west. The closest Sheriff substation is in Oceano, which is approximately 26 miles from the proposed project. The project is located in the Lucia Mar Unified School District.

**Impact.** The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

**Mitigation/Conclusion.** Public facility (county) and school (State Government Code 65995 et sec)

fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

11. RECREATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

**Impact.** The proposed project will not create a significant need for additional park or recreational resources.

**Mitigation/Conclusion.** No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**12. TRANSPORTATION/  
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Future development will access onto Temettate Road which is operating at an acceptable level of service. Referrals were sent to Public Works. No significant traffic-related concerns were identified.

**Impact.** The proposed project is estimated to generate about 9.57 trips per day, based on the Institute of Traffic Engineer's manual of 9.57/unit. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels.

**Mitigation/Conclusion.** No significant traffic impacts were identified, and no mitigation measures are necessary.

**13. WASTEWATER - Will the  
project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: steep slopes, shallow depth to bedrock. These limitations are summarized as follows:

Shallow Depth to Bedrock – indicates that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, chances increase for the effluent to infiltrate cracks that could lead directly to groundwater sources or near wells without adequate filtering, or allow effluent to daylight where bedrock is exposed to the earth's surface. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as borings at leach line locations, to show that there will be adequate separation between leach line and bedrock.

Steep Slopes – where portions of the soil unit contain slopes steep enough to result in potential

daylighting of wastewater effluent. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as slope comparison with leach line depths, to show that there is no potential of effluent "daylighting" to the ground surface.

**Impact.** The project proposes to use an on-site system as its means to dispose wastewater. Based on the proposed plans, adequate area appears available for an on-site system.

**Mitigation/Conclusion.** The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

<b>14. WATER - Will the project:</b>		<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a)	<b>Violate any water quality standards?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	<b>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<b>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<b>Change the quantity or movement of available surface or ground water?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<b>Adversely affect community water service provider?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	<b>Other:</b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project proposes to use an on-site well as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is gently sloping to moderately sloping. The closest creek (unnamed stream) from the proposed development is located on the western boundary of the property. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

**Impact.** As proposed, the project will result in the disturbance as the parcel is developed. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 1.2 acre feet/year (AFY)

$$1 \text{ residential lots (w/primary (0.85 afy) \& secondary (0.33 afy) X 1 lots) = 1.2afy}$$

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

**Mitigation/Conclusion.** Since no potentially significant water quantity or quality impacts were

identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

<b>15. LAND USE - Will the project:</b>	<b>Inconsistent</b>	<b>Potentially Inconsistent</b>	<b>Consistent</b>	<b>Not Applicable</b>
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

**Mitigation/Conclusion.** No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

<b>16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-</i>				

**sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of**

**California history or prehistory?**

☐☒☐☐

- b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)**

☐☒☐☐

- c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

☐☐☒☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env\_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

### **Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<b><u>Contacted</u></b>	<b><u>Agency</u></b>	<b><u>Response</u></b>
<input checked="" type="checkbox"/>	County Public Works Department	<b>Attached</b>
<input checked="" type="checkbox"/>	County Environmental Health Division	<b>Attached</b>
<input type="checkbox"/>	County Agricultural Commissioner's Office	<b>Not Applicable</b>
<input type="checkbox"/>	County Airport Manager	<b>Not Applicable</b>
<input type="checkbox"/>	Airport Land Use Commission	<b>Not Applicable</b>
<input type="checkbox"/>	Air Pollution Control District	<b>Not Applicable</b>
<input type="checkbox"/>	County Sheriff's Department	<b>Not Applicable</b>
<input type="checkbox"/>	Regional Water Quality Control Board	<b>Not Applicable</b>
<input type="checkbox"/>	CA Coastal Commission	<b>Not Applicable</b>
<input type="checkbox"/>	CA Department of Fish and Game	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	CA Department of Forestry	<b>Attached</b>
<input type="checkbox"/>	CA Department of Transportation	<b>Not Applicable</b>
<input type="checkbox"/>	Community Service District	<b>Not Applicable</b>
<input type="checkbox"/>	Other _____	<b>Not Applicable</b>
<input type="checkbox"/>	Other _____	<b>Not Applicable</b>

**\*\* "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Area Plan and Update EIR
<u>County documents</u>	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

*Botanical Report, Mike McGovern, June 2005*

*Cultural Resources Survey, C.A. Singer and Associates, August 2005*



## Exhibit B - Mitigation Summary Table

### **Biological Resources**

1. No oak tree or manzanita removal will occur with future development of the proposed parcel. **Prior to issuance of construction permits**, the applicant shall show on construction plans, all oak trees and manzanita within 50 feet of the proposed development and grading.
2. **Prior to any site disturbance**, all oak trees and manzanita within 50 feet of grading activities shall be fenced for protection with orange construction fencing.

### **Geology and Soils**

3. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the Public Works Department.

6-39

DATE: October 5, 2005

**DEVELOPER'S STATEMENT FOR  
DAVIS CONDITIONAL CERTIFICATE OF COMPLIANCE  
ED05-048 (SUB2004-00301)**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

Biological Resources

1. No oak tree or manzanita removal will occur with future development of the proposed parcel. **Prior to issuance of construction permits**, the applicant shall show on construction plans, all oak trees and manzanita within 50 feet of the proposed development and grading.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

2. **Prior to any site disturbance**, all oak trees and manzanita within 50 feet of grading activities shall be fenced for protection with orange construction fencing.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

Geology and Soils

3. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the Public Works Department.


**Monitoring:** Compliance will be verified by the Department of Planning and Building and Public Works Department.

6-35

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

  
Signature of Owner(s)

Date 10-12-05

  
Name (Print)

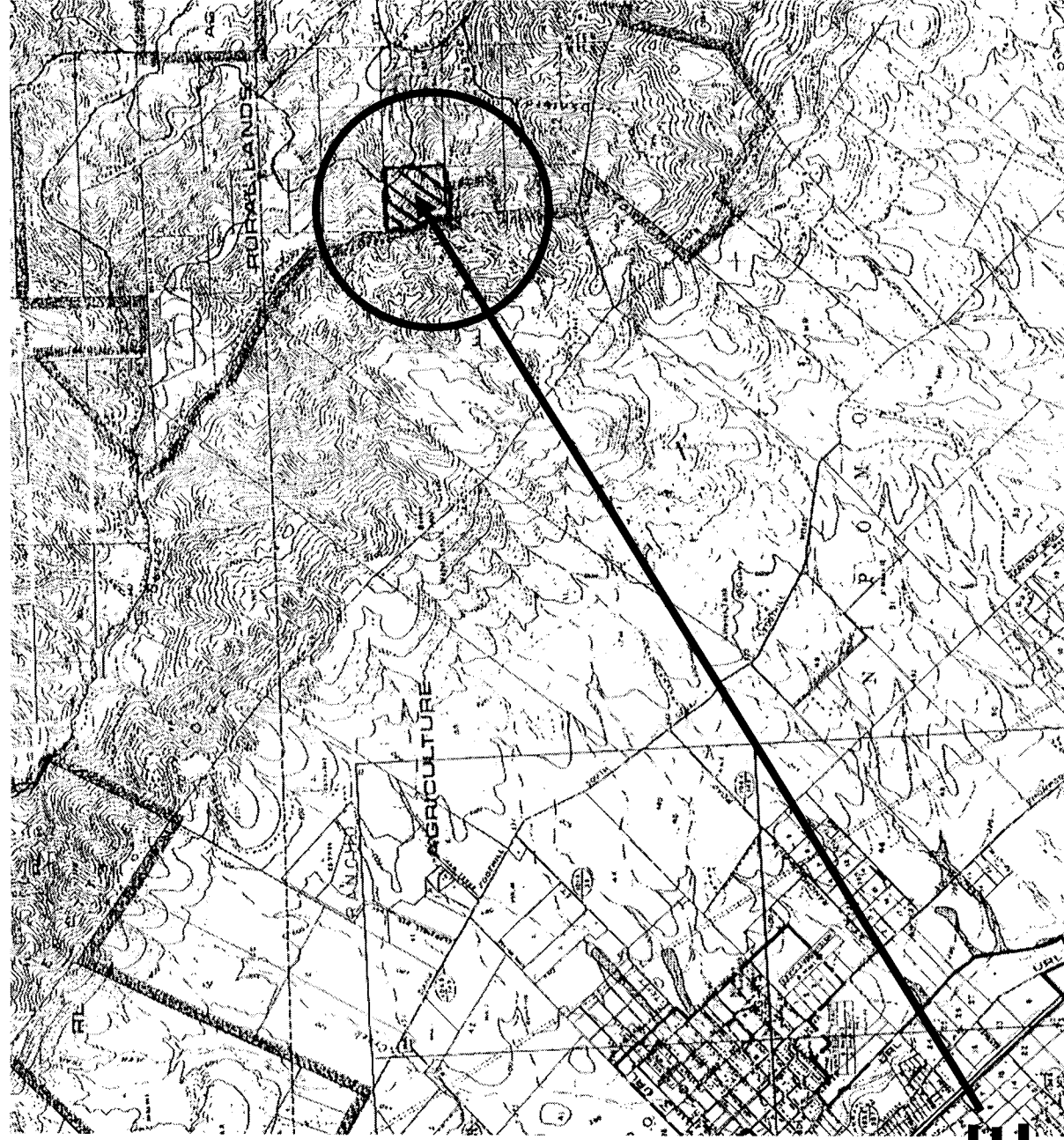
GAIL A. DAVIS



## Vicinity Map



**PROJECT**  
Certificate of Compliance  
Davis SUB2004-00301



**SITE**

**PROJECT**

Certificate of Compliance  
Davis SUB2004-00301

**EXHIBIT**

Land Use Category



6-37



**SUBJECT**  
**Certificate of Compliance**  
**Davis SUB2004-00301**

## Site Plan